

*U.S. Patent Application of Oliver Ahn - Serial No. 10/667,840
Examiner Moran - Art Unit 2765 - Amendment*

REMARKS

This Amendment is responsive to the Office Action mailed on March 15, 2004.

Applicant has carefully considered the Examiner's comments in this Action.

The drawings have been objected to, the Examiner stating that the decorative symbols, letter, words, etc., described on the outside of the crown portion must either be shown in the drawings or this feature must be canceled from claim 46. This objection to the drawings is respectfully traversed. The Examiner's attention is respectfully directed to Figs. 1 and 6, which clearly show such symbols, letters, words, etc., on the outside surface of the crown portion, and these figures clearly support the language in claim 46.

The Examiner has objected to showing "Nylon" as a trademarked term. The specification and claims have been checked for such representation of "Nylon." In each instance, in the specification and in claims 5 and 37, the objected-to term has been changed to "nylon" – with no uppercasing and no trademark markings.

The specification has also has been objected to because it fails to provide antecedent bases for claimed subject matter. Pages 11 and 12 of the specification have been amended to provide such antecedent bases. Because the added language is taken from the claims as filed, no new matter has been introduced.

Claims 12 and 25 have been rejected as being indefinite because claim 12 requires an antecedent basis for the "lower peripheral edge," and claim 25 is indefinite because of an inconsistency with claim 16. These claims have been amended to address

*U.S. Patent Application of Oliver Ahn - Serial No. 10/667,840
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and overcome these objections.

Claims 1, 2, 8, 15-19, 25, 27, 28 and 47 have been rejected as being fully anticipated by U.S. Patent No. 6,263,508 to Davis, for reasons set forth in paragraph 8, pages 4-5 of the Action. All of these rejected claims have been canceled, without prejudice, or amended to depend on an allowable claim.

Claims 5, 12, 13, 14, 29, 30 and 31 have been rejected as being unpatentable on the basis of Davis, singly or in combination with secondary references to Carr, Gazal and/or Loeffelholz, for reasons set forth in paragraphs 10-13 of the Office Action. These claims have likewise been canceled, without prejudice, or amended to depend on an allowable claim.

The Examiner has allowed claims 33-46, and has indicated that claims 3, 4, 6, 7, 9, 11, 21, 23, 24, 26 and 32 have been rejected as being dependent on a rejected base claim, but that these claims would be allowed if rewritten in independent form. These claims have been rewritten in independent form, and all of the remaining claims have either been canceled or amended to depend on an allowed or allowable claim.

Claim 15 had been rejected, as noted. However, in a telephone conference with the Examiner on April 22, 2004, the Examiner agreed that claim 15 should be allowed for the same reason that claim 32 had been deemed to be allowable – that both claims introduce a similar limitation. Both claims 15 and 32 have been clarified by the insertion of language that makes it clear that the claim covers not only the recited construction in which

*U.S. Patent Application of Oliver Ahn - Serial No. 10/667,840
Examiner Moran - Art Unit 2765 - Amendment*

the first member is connected to the circumferential band but also covers any other connection of the first member as long as it is not connected or attached to the inner headband.

In view of the foregoing, it appears that the application is now in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

Applicant hereby petitions that any and all extensions of time of the term needed to render this response timely be granted. COSTS FOR SUCH EXTENSIONS AND/OR ANY OTHER FEE DUE WITH THIS PAPER THAT ARE NOT FULLY COVERED BY AN ENCLOSED CHECK MAY BE CHARGED TO DEPOSIT ACCOUNT #10-0100.

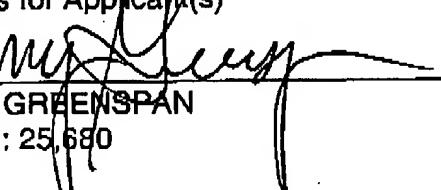
Date: April 22, 2004

Respectfully submitted,

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Certificate of Deposit by Facsimile

I hereby certify that this correspondence is being filed by sending same by facsimile to the Commissioner of Patents, U.S. Patent and Trademark Office, Patent Examiner Katherine M. Moran, Art Unit 3765 at facsimile number 703 872 9306, on the following date:

Myron Greenspan

Name

Myron Greenspan

Signature

April 22, 2004

Date